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Attorneys for Plaintiff  
**DANIELS SHARPSMART, INC.**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

DANIELS SHARPSMART, INC., ) Case No.: C 08-80133 JF (PVT)  
Plaintiff, )  
v. )  
TYCO INTERNATIONAL (U.S.) INC., *et al.* )  
Defendants. )  
RESPONSE TO ORDER TO SHOW CAUSE  
WHY ACTION SHOULD NOT BE  
TRANSFERRED TO THE EASTERN  
DISTRICT OF CA

On April 30, 2008, Daniels Sharpスマート, Inc. (“Daniels”) served a subpoena issued by the District Court of the Northern District of California on David Grant Medical Center (“Grant Medical Center”) in support of discovery in *Daniels Sharpスマート, Inc. v. Tyco International (US) Inc., et al.*, Case Number 5:05-CV-169, in the United District Court for the Eastern District of Texas.

Grant Medical Center never challenged the subpoena from this Court. Instead, Grant Medical Center just refused to comply with this Court's subpoena. Since this Court issued the subpoena, it is the proper court to enforce the subpoena. *See* Fed. R. Civ. P. 45(e).

Since the Northern District issued the subpoena, Daniels seeks enforcement of the subpoena in this Court. Grant Medical Center is located on the Travis Air Force Base which is less than 86 miles

1 from the San Jose division of the District Court of the Northern District of California. *See* Exhibit A,  
2 Map from Travis AFB to Court House. Grant Medical Center is within 100 miles of the San Jose  
3 division so compelling a representative from Grant Medical Center to attend a hearing on the subpoena  
4 issued by this Court at the San Jose division is not unduly burdensome. *See* Fed. R. Civ. P.  
5 45(b)(2)(C), 45(b)(3)(A)(ii).  
6

7 Since Grant Medical Center disregarded a subpoena from this Court, and since compelling  
8 Grant Medical Center to respond in the Northern District is not unduly burdensome, the case should  
9 not be transferred to the Eastern District.

10 DATED: July 8, 2008 THE LANIER LAW FIRM  
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15 By Daniel Bedell  
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17 Daniel W. Bedell  
18 Attorneys for Plaintiffs,  
19 DANIELS SHARPSMART, INC.  
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# Exhibit A



Start **Travis Air Force Base, CA**

End **280 S 1st St  
San Jose, CA 95113**

Travel **86.0 mi – about 1 hour 35 mins**

Get Google Maps on your phone  
Text the word "GMAPS" to 466453



**Travis Air Force Base, CA**

Drive: 86.0 mi – about 1 hour 35 mins

1. Head north on Burgan Blvd toward Challenger Ln 318 ft

← 2. Turn left at Travis Ave 0.8 mi  
3 mins

3. Continue on Air Base Pkwy 5.7 mi  
12 mins

← 4. Turn left to merge onto I-80 W toward San Francisco 5.9 mi  
6 mins

5. Take exit 40 to merge onto I-680 S toward San Jose/Benicia 70.5 mi  
1 hour 8 mins

6. Continue on I-280 N (signs for I-280 N/  
Downtown San Jose) 1.8 mi  
2 mins

7. Take the 7th St exit toward CA-82 0.2 mi

8. Merge onto Margaret Way 394 ft

→ 9. Turn right at S 6th St 0.2 mi  
1 min

← 10. Turn left at E William St 0.3 mi  
2 mins

→ 11. Turn right at S 1st St 0.3 mi  
1 min

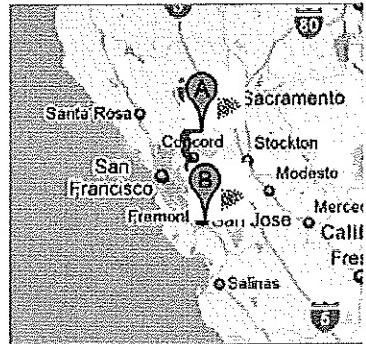


**280 S 1st St  
San Jose, CA 95113**

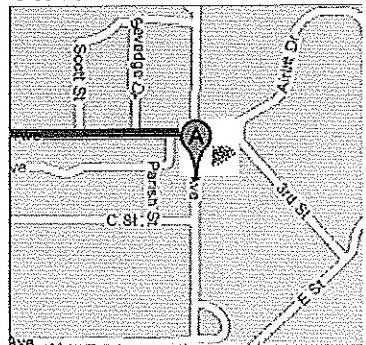
These directions are for planning purposes only. You may find that construction projects, traffic, or other events may cause road conditions to differ from the map results.

Map data ©2008 NAVTEQ™

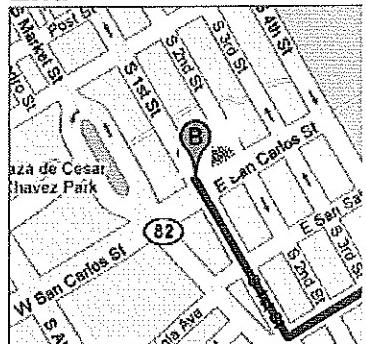
### Overview



### Start



### End



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